

Michigan
Department
of Human
Services

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Articles in Today's Clips

Friday, May 16, 2008

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TOPIC	PAGE
*Child Abuse/Neglect/Protection	2-7
Domestic Violence	8-13
Vulnerable Adults	14
Homelessness	15-16
*DHS Budget	17-18



May 16, 2008

Angry court takes duped parents' side

BY BRIAN DICKERSON
FREE PRESS COLUMNIST

Foiled in its efforts to terminate the parental rights of a Guatemalan couple, Michigan's Department of Human Services conspired to have the couple deported, then opened a new neglect case against them.

The play might have worked, too, but for the Michigan Court of Appeals, which ordered the Guatemalan family reunited and blistered DHS for its conduct in a scathing opinion issued this week.

Hugo Diaz and his wife, Floricelda, were supporting their two young children, an adult daughter and two grandchildren when DHS workers knocked on the door of the couple's Warren trailer two summers ago to investigate allegations that Diaz was molesting his granddaughters, then 2 and 4 years old.

An investigation failed to substantiate the charges, but DHS workers, alarmed at the children's congested living arrangements, successfully argued that the children should remain in state custody until their Spanish-speaking parents had undergone parental training.

Springing the trap

Macomb County Family Court Referee Deborah Brune ordered DHS to arrange a visitation between Hugo Diaz, his wife and adult daughter and the four children, who ranged from 2 to 10 years in age. But when the three adults arrived for the promised rendezvous, they were met instead by federal immigration agents, who detained them for being in the United States illegally. Within weeks, all three adults were deported -- sans children -- to Guatemala.

At a subsequent hearing to consider renewed neglect charges against the newly deported parents, Referee Brune angrily rejected the DHS's argument that the parents had abandoned their children, noting that the department itself had precipitated their deportation.

But she reluctantly terminated the couple's parental rights anyway, concluding that the state's "morally repugnant" conduct had made it impossible for Diaz and his wife to care for their kids.

A catch-22 defused

Luckily for Hugo Diaz, his court-appointed attorney, Maryanne Spryszak, wasn't about to let the matter drop there.

"To me, what the state had done in this case was shameful," Spryszak told me in a phone interview.

Wednesday, a unanimous state Court of Appeals panel agreed, concluding that DHS had moved against Diaz, his wife and daughter only precipitating the crisis that made it impossible for them to look after their children.

"The record establishes that [the parents] were bonded with their children and did not want to leave the children behind," Judge Kathleen Jensen wrote for the indignant panel. But because the children remained in state custody, she noted, Diaz, his wife and his daughter "were apparently never given the opportunity to take the children with them to Guatemala."

DHS spokesperson Colleen Steinman said only that the department's lawyers are studying their options for an appeal.

With any luck, Diaz and his family -- who have been separated for nearly two years -- will be reunited in Guatemala before the State of Michigan can wreak any more havoc in their lives.

Contact **BRIAN DICKERSON** at 248-351-3697 or bdickerson@freepress.com.

Teen sentenced to life for death of child

Grand Haven Tribune

Fri, May 16, 2008

SAGINAW (AP) — A 17-year-old from Saginaw was sentenced Thursday to life in prison without parole in the drive-by shooting death of a toddler.

Dequavious Johnson was found guilty of first-degree murder last month in the March 2007 slaying in Saginaw County's Buena Vista Township.

The victim, 14-month-old Stacy Evans Jr., was hit in the head when bullets were fired into his mother's car.

Two others men, 19-year-old Davario Barrera and 24-year-old Jerry Long, have received life sentences in connection to the killing.

Joyride ends in crash for Pontiac boy, 8

BY FRANK WITSIL • DETROIT FREE PRESS STAFF WRITER • MAY 16, 2008

An 8-year-old Pontiac boy, who police said snuck out of the house and went for a short joyride, ended up causing a three-vehicle crash early Thursday morning.

The boy, who lives with his grandparents on the 100 block of Astor Street, apparently crawled out of a bedroom window after bedtime, found an empty 1999 Ford Tempo on the 100 block of Peach Street that was running and got in, said Pontiac Police Sgt. James Martinez.

“He pulled the gearshift down and away he went,” Martinez said. “He didn’t get very far, though.”

The boy, whose name was not released by police, drove the car in reverse on Michigan for about a block until he collided with the front end of another vehicle near the intersection of Martin Luther King Jr. Boulevard, which caused a third vehicle to collide into it, Martinez said. There were no injuries. After the crash, the boy cried, but didn’t say much about why he had stolen the car, Martinez said.

Police, who arrived at the crash scene, returned the child to his home and filed petitions with juvenile court on auto theft charges and traffic violations stemming from the accident.



Boy, 8, found in stolen car

Police say boy's joyride ends in a three-vehicle accident

By SHAUN BYRON
Of The Oakland Press

An 8-year-old Pontiac boy is accused of going on a joyride in a stolen car that ended in a three-vehicle traffic accident.

Pontiac police say they were called just before 11 p.m. Wednesday to the city's east side for a traffic accident near the corner of Martin Luther King Jr. Boulevard and Michigan Avenue.

Witnesses told police the 8-year-old boy was behind the wheel of a 1999 Ford Tempo that was being driven in reverse, heading north, in the southbound lanes of Martin Luther King Jr. Boulevard, Pontiac Sgt. Kevin Braddock said.

The Tempo, according to reports, hit the front end of a vehicle being driven by a 19-year-old Pontiac resident, who was then rear-ended by a 24-year-old, also from Pontiac.

Minutes after responding to the accident, Braddock said the officers were given information from police dispatch that a Ford Tempo was reported stolen from in front of a home in the 100 block of Peach Street.

The boy, who was crying, told officers he lived with his grandmother and step-grandfather in the 100 block of Astor Street, a short distance from where the car was reported stolen and east of the accident on Martin Luther King Jr. Boulevard.

Officers drove the boy to his home, where they met with his grandparents.

The step-grandfather told officers they had put their grandson to bed about 8 p.m.

When officers asked him to check on their grandson, he discovered the boy was missing. Officers then told the couple the child was in their squad car.

Braddock said the officers were unable to get much information from the boy, who admitted to his step-grandfather he had climbed out his bedroom window.

The boy was walking through the neighborhood when he spotted the car that had been left running, got in the driver's seat and drove off.

The grandparents told officers the boy has attention deficit disorder and a history of running away.

Braddock said officers filed petitions to go through the juvenile court system on charges of car theft and being involved in the accident.

There have also been allegations of neglect filed through the state Department of Human Services, he said.

Contact staff writer Shaun Byron at (248) 745-4685 or shaun.byron@oakpress.com.

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http://www.theoaklandpress.com/stories/051608/loc_20080516247.shtml

Man accused of setting girlfriend on fire pleads no-contest

Wed, May 14, 2008

MUSKEGON HEIGHTS (AP) — A Muskegon Heights man accused of setting his girlfriend on fire has pleaded no contest to assault with intent to do great bodily harm.

Police said 34-year-old Shannon McGee argued with 29-year-old Ayonna Williams Dec. 22, accusing her of infidelity. Police said he punched her, doused her with rubbing alcohol and lit it. She was hospitalized for burns on her face and legs.

Police said they caught McGee on Jan. 4 by tracking his cell phone to an attic hideout.

Muskegon County Circuit Judge James Graves Jr. will sentence McGee May 27. A no-contest plea isn't an admission of guilt, but is treated as one for conviction purposes.

A Muskegon County jail supervisor said McGee was in custody Tuesday.

[Print Page](#)

Dowagiac man jailed for 20 days after jury conviction

Thursday, May 15, 2008 10:59 AM EDT

CASSOPOLIS - A Dowagiac man will spend the next 20 days in jail for spewing profanities and interrupting Dowagiac police efforts to investigate a possible domestic violence incident.

A three-man, three-woman jury deliberated for approximately a half hour before returning a unanimous guilty verdict against Detrick Buck, 30, of 204 E. Railroad St., for disturbing the peace in Dowagiac on March 20, 2008.

Testimony at trial came from Dowagiac Officers James Kusa and Ryan Murray.

Both responded to a call from a woman alleging domestic violence.

As the officers tried to interview the female, Buck, who was the suspect of the domestic violence complaint, approached and began interrupting.

Officers assured him that they would talk to him when they finished the complainant interview. But he would not listen or wait.

Instead, his profane proclamations increased in volume and kept the officers from being able to interview the woman.

As the defendant's interference continued, a crowd began to gather.

After repeated warnings, officers advised Buck that if he continued to interrupt the investigation, he would be arrested.

The defendant scoffed and unloaded with still more yelling and cursing.

Buck was then arrested for this behavior and charged with disturbing the peace.

Ironically, the police investigation eventually found that no domestic violence had occurred.

Assistant Prosecutor Diab Rizk presented the case for the people.

Fourth District Court Judge Paul Deats presided over the trial and immediately sentenced the defendant to 20 days in jail after receiving the verdict.

Prosecutor Victor Fitz said Wednesday, "The officers showed great restraint. But enough is enough. The defendant compromised police and public safety. That cannot be ignored."

MORNING SUN

Babb seeks to withdraw plea

By SUSAN FIELD
Clare Managing Editor

In a motion described as "ludicrous" by Isabella County Prosecutor Larry Burdick, Thomas Babb is asking for a jury trial after pleading no contest to killing his estranged wife in January 2007.

Burdick filed a response Wednesday to Babb's April 25 motion to withdraw his plea, describing it as "insubstantial and wholly without merit," according to court records.

Babb, 38, maintains in his motion that he pleaded no contest to the second-degree murder of Mary Lynn Babb, a Morning Sun advertising representative, because he was "frightened" by his attorney.

Babb's motion is scheduled to be heard by Trial Judge William Rush at 1:45 p.m. May 30, according to court records.

In his six-page answer to Babb's motion, Burdick said Jeffrey Clothier, Babb's Flint-based attorney, gave his client appropriate advice and noted that Clothier had represented Babb in previous cases.

Burdick also said that Clothier's advice to Babb that he would be convicted of first-degree murder by a jury was appropriate because Babb had "no remotely compelling defense."

Babb had argued in his motion that he does not believe that Clothier investigated his allegation that Mary was a drug informant and that "others had motive to kill her."

During Babb's preliminary hearing in April 2007, several witnesses testified that they saw Babb shoot Mary in her overturned sports utility vehicle in the Morning Sun parking lot Jan. 9, 2007; others testified that Babb admitted to killing her after he fled Mt. Pleasant.

Babb also alluded to Clothier, who defended Babb on an assault charge in Otsego County, pushing him to plead and that he told Rush during his plea hearing Oct. 4 that there were no threats or coercion "because Mr. Clothier told me what to say."

Babb, who is serving a 50- to 75-year sentence at the Bellamy Creek Correctional Facility in Ionia after pleading Oct. 4, 2007, had read the plea offer before he agreed to the deal, Burdick said in his response to Babb's motion.

"The plea agreement was an extremely structured, detailed agreement that was reduced to writing, and provided to (Clothier) for review," Burdick said in his answer to the motion. "The people believe trial counsel had engaged in

plea discussions with (Babb) for some time, and thoroughly reviewed the proposed offer with him prior to entry of his plea."

Burdick also said that Babb should not be allowed to withdraw his plea "due to a state of fright at the hands of his retained counsel, or due to his counsel failing to investigate (Babb's) laughable claim that his wife was murdered because she was a drug informant."

Babb's claim that he was denied due process because Clothier allegedly did not pursue a defense based on his assertion that Mary was a drug informant is also without merit, Burdick said.

"Additionally, due process does not require a defense attorney to spend an inordinate amount of time chasing a 'man on the moon' defense," Burdick said in his response. "By that, the people mean that (Babb's) assertion that someone from the drug underworld murdered his wife is so fanciful that it could equally have been a man on the moon, or perhaps a Martian."

Burdick also said in his response that a shotgun shell found at the scene of the murder was forensically matched to the shotgun Babb had when police arrested him near Evert a few hours after the murder.

Babb also told witnesses the day of the murder that he was taking his son, Sammy, and fleeing.

"The evidence was overwhelming," Burdick said in his response. "To claim that trial counsel's failure to explore the 'drug hitman' defense is both unsupported and ludicrous based upon the evidence available."

Burdick also asserted that Babb's plea was backed by evidence presented at his preliminary hearing, that Clothier was his "trusted, longtime legal counsel" and that Babb said before his plea that he was satisfied with the advice Clothier offered.

Although Babb said in his motion that he did not believe he could get a fair trial, he did not provide a basis for that claim, Burdick said in his response.

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http://www.themorningsun.com/stories/051608/loc_babb.shtml

PRESS & GUIDE

Abuse survivors enjoy pampering offered for Mother's Day

By Jodi Rempala
, Press & Guide Newspapers

Dearborn - Excited chatter filled the air inside Anie's International Salon Thursday as 25 moms prepared to be pampered for one day as a special gift.

As special as the gift was, it meant even more to these extreme survivors — women who have battled illness and abuse — who've never been pampered before.

Through the generosity of several companies, these women received facials, hand massages, haircuts, roses, chocolates and plenty of love and support.

The idea to give these women a special Mother's Day present was the brainchild of Dearborn native Faye Moslimani Vangel. Vangel, who survived years of physical and mental abuse, is eager to give back to the women who have faced the same challenges she has.

Vangel, with the help of First Step, coordinated the special gifts and services for the women although it proved challenging to find companies willing to donate during these challenging economic times.

Anie Buffa-Herring, owner of the Dearborn-based salon that hosted the event, was excited to help the women feel beautiful, even if it was for just one day. She offered her knowledge and advice as she helped women update their looks and take risks on a new hairdo they may not have tried.

As the women walked into the salon, they were greeted with smiling faces and friendly hellos. They were given a champagne glass of sparkling cider and taken two-by-two to a make-up room where they received facials and mini-makeovers courtesy of the cosmetics company Philosophy.

For survivor Beverly, being pampered was an extreme treat. Now moving forward from a difficult phase in her life, she is focused on helping First Step raise funds for a new women's shelter.

"I've been volunteering for months and I'm helping to record First Step's story for their 30th anniversary," she said.

Reka received services from First Step for two years as she tried to escape an abusive home.

"I first heard of them when I knew I needed to change my situation and I needed a lot of emotional support and guidance — they were always there and it was just great," she said.

Now that she's moving toward a better life, she makes sure to attend any First Step function she can and help others who may be in the same situation.

"I shudder when I think about what these women go through," she said.

And Jean, at 62 years old, is still working her way back to happiness after leaving a 45-year long abusive marriage.

Married at age 15, Jean was beaten from the beginning. Eventually she was able to get the physical abuse to stop, but then the mental abuse began.

After years of torment, Jean felt she must leave her situation before something bad happened. And she did. She started with counseling services and little by little prepared for her departure. With just \$500 a month and no help, she got herself a one-room apartment and began living again.

"The journey was hard, scary and confusing, but it was all about trying to survive and I knew I was going to be OK," Jean said.

Now, as she nears the time to come out of hiding and shine, she wants other women to know there are resources available and they can escape the abusive situations they find themselves in.

" I want women to know we deserve to be treated better, not to be hit or abused or talked down too," she said.

" There's still life and happiness out there," she said.

Knowing there was happiness out there helped Jean escape a 45-year marriage and turn her life around. She's going to school and taking care of her self.

"I discovered God wanted me to love myself and when I found that, I wouldn't let anyone mistreat me again."

And instead of being mistreated, Jean was lavished with dignity and love for Mother's Day as she was pampered with a makeover and hand massage and the company of a group of wonderful women.

"I always dreamed of being a queen for a day and this was a little piece of it," she said.

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Michigan Report

May 15, 2008

COX ANNOUNCES CHARGES ON SENIOR FRAUD

A dozen people are facing charges and another 85 are still under investigation under a new effort to ferret out fraud against seniors, [Attorney General Mike Cox](#) announced Thursday.

Project \$CAMS (Stop Crime Against Michigan Seniors) is a joint venture between the Department of Attorney General and the U.S. Social Security Administration and is aimed particularly at fraud against nursing home residents. Initial efforts target West and Northwest Michigan and the Upper Peninsula.

"Taking advantage of seniors is terrible enough, but financially exploiting your mom, dad, aunt or uncle is despicable," Mr. Cox said. "This project combines the power of state and federal law enforcement to investigate and prosecute those who would financially exploit our most vulnerable senior citizens."

"The aged are among the Social Security Administration's most vulnerable beneficiaries and are the most vulnerable to criminal schemes. For someone to exploit such individuals and steal the Social Security benefits they often desperately need is truly a reprehensible crime," said Special Agent-in-Charge William Cotter, of the Office of the Inspector General for the Social Security Administration.

All of the cases charged to date have been against relatives of the victims.

Pair charged in homicide near VOA in Lansing

KEVIN GRASHA • LANSING STATE JOURNAL • MAY 16, 2008 •
FROM LANSING STATE JOURNAL

Tammy Lynn Vedron and James C. Belin were familiar faces in the "Back 40," a mostly wooded area where the homeless couple began living two weeks ago after they started dating, acquaintances say.

On Thursday, they were charged in the slaying of David Lloyd Melvin, 55, a homeless man who was found stabbed to death Monday in the secluded stretch of land in Lansing that is frequented by the homeless.

Vedron, 43, was charged with murder in the death, and Belin, 47, was charged with being an accessory after-the-fact. Both were arraigned Thursday in 54A District Court.

It remains unclear why Melvin was stabbed to death, but police said Melvin and Vedron knew each other. Police have not released a motive.

Melvin's throat had been slashed, said friends who found his body in the area behind Lansing's Volunteers of America shelter and other businesses. The area is east of North Larch Street, between Saginaw and Shiawassee streets.

Brian Keith, 48, who said he has known Vedron a few years, said he was surprised by the charges.

"I don't see Tammy doing that," said Keith, who occasionally played cards with Vedron at the shelter. "It doesn't fit her to be the type of person who'd slit somebody's throat."

The VOA does not own or control the "Back 40," which has a reputation as a place where homeless people congregate.

"People go back there, get high, drink and do their thing," said Alfred Terry, who said he knows both Vedron and Belin.

"Once they started going together, they started living in the Back 40," said Terry, 42, who said he is sleeping in an SUV while he saves money for his own place. He does odd jobs at J&D Transmission, near the corner of Larch and Saginaw streets.

Lansing police had, for days, said they suspected a woman in Melvin's death. They would not say when Belin became a suspect.

"The investigation revealed that he was an accessory," said Lt. Noel Garcia.

Vedron is being held without bond at the Ingham County Jail. She faces up to life in prison if she is convicted.

Belin is being held at the jail on a \$25,000 bond. He faces up to five years in prison if convicted. Neither had an attorney listed with the court. Preliminary hearings for both, which determine if the cases against them advance to trial, are scheduled for May 23.

Contact Kevin Grasha at 267-1347 or kgrasha@lsj.com.

May 15, 2008

SENATE PANEL CUTS HUMAN SERVICES FUNDING

The Department of Human Services would receive \$22.5 million less under the budget as approved Thursday by the Senate Appropriations Human Services Subcommittee than [Governor Jennifer Granholm](#) had recommended for the department. Primary among those cuts is the governor's proposed day care rate increase as well as an assumption of fewer welfare recipients.

The budget ([HB 5814](#)) as reported to the full committee totals \$4.64 billion (\$1.35 billion general fund), which is less than the \$4.66 billion (\$1.38 billion GF) recommended by the governor, but more than the \$4.61 billion (\$1.33 billion GF) passed by the House.

Among the largest cuts in the proposal, the subcommittee assumed smaller Family Independence Program cases that would mean \$12.06 million less general fund spending for that program. The subcommittee also rejected a proposed rate increase for day care providers, saving \$10 million GF. The budget also assumed \$9.2 million gross, \$3.5 million GF, savings from the federal Title IV-E program.

But the savings also included reducing the proposed increase in FIP benefits to \$1 per person per month from the \$3 the governor had recommended, saving \$4.8 million. And cutting the clothing allowance increase to \$60 per child from the governor's proposed \$75 saved \$1.84 million, all general fund.

The subcommittee did add some money back in, including \$5 million GF for a private contractor to assist the department with child day care administration. And \$4.9 million GF provides a rate increase to licensed foster care providers.

In place of some of the monthly increase, the budget provides a \$50 bonus for recipients meeting work requirements for 30 days and a \$25 subsidy for those opening an individual development account. The plan adds \$1.02 million GF.

Subcommittee Chair [Sen. Bill Hardiman](#) (R-Kentwood) also backed off from his push to privatize all foster care services, instead calling for a pilot of the idea in Kent County. The project did not change the budget amount for the services.

Mr. Hardiman said he could not, under the current budget structure, support a proposal from [Sen. Martha Scott](#) (D-Highland Park) to provide a 4 percent increase for runaway and homeless youth programs, but he did agree to a \$100 placeholder to keep the issue open for discussion.

Also still open for discussion is Ms. Scott's proposal to shift \$200,000 from a mental health study in the juvenile detention system to a pilot of providing services in that system. Mr. Hardiman said the line is already a point of difference with the House, so the issue would be open for change in conference committee.

The subcommittee rejected her proposals to restore the increases for childcare providers and to expand community centers in Genesee and Ingham counties. The latter, which provides caseworkers in local middle schools, would have cost the department another \$150,000.

The budget was reported to the full committee unanimously, but with Ms. Scott raising concerns that her issues be addressed in the final product.